

WESTERN COVENTRY FIRE DISTRICT

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Board of Directors Meeting

Monday, 4 November, 2013, 7:00 P.M.

MINUTES

(Posted 30 October, 2013)

Members Present

John Humble

Richard Holt

Robert Hevey

Jonathan Farnum

WCS Mays III

Chief Quattrini

Deputy Chief Guastini

Cheryl Wilcox, Clerk

Attorney Harsch

Steve Bousquet

Kendra Miller, KC Times Reporter

- 1. *Call to Order and Attendance*** – The Chairman called the meeting to order at 7:01 p.m.
- 2. *Confirmation of required meeting posting and quorum*** – The Chairman confirmed that there is a quorum present and the meeting was posted in all required locations.
- 3. *CCFD receivership status and any possible WCFD response/action items*** – Mr. Humble says that he and Attorney Harsch attended the CCFD court hearing. The Judge decided not to take any significant action such as closure of CCFD. He felt for the health safety and welfare of the district, that the district should be allowed to continue for a period of time. That period of time is going to be helped by him ordering that all delinquent taxpayers pay their taxes by Friday (November 8th) or they will be summoned to court to explain why they can't pay their taxes. Counsel for CCFD BOD said that he thought it would take six months or less for the CCFD to put a plan together. The cloud that is hanging over the CCFD moving forward with any management of the district, post liquidation if there should be a liquidation, is whether or not they have the right to stay on board and continue to manage the district. The Judge needs to research that because he feels that there is no case law that decides that. CCFD Counsel is arguing that this is such a peculiar set of circumstances and doesn't model any sort of corporate liquidation situation; he felt that the Judge should have some flexibility of what he could and could not allow. Because Counsel did think that it would take up to six months, the Judge

Board of Directors John Humble – Chairperson, Robert Hevey, Richard Holt, Robert Guastini, Jonathan Farnum
District Officers WCS Mays III – Moderator, Joan Smith – Tax Collector, Glenn Underwood – Treasurer,
Cheryl Wilcox – Clerk
Chief Steven Quattrini

suggested that each of the interested parties supply a brief for alternative plans. Mr. Humble says that the other point with regard to taxes, the Judge said that one in four residences in the district have not paid their fire tax. He says that it came out in the media that is not entirely accurate; it is more like 10% of the taxpayers which amounts to a \$600,000 number. Kendra Miller says that its 25%.

Mr. Humble says that a meeting was called at the Town Hall for 8:00 a.m., prior to the hearing. Chief Quattrini notified Mr. Humble who contacted Attorney Harsch. They all attended the meeting. Town Solicitor Fred Tobin, Chief Quattrini, Chief Brown, Deputy Chief Guastini, Chief Volpe, Town Manager Hoover attended along with Mr. Humble and Attorney Harsch. The meeting was to come up with a plan to present the Judge. The subject of whether or not a plan is in place came up. The Town really has no interest in taking over the responsibility of the fire and rescue service in the Town for multiple reasons. They don't have the equipment, the manpower, and they know that all of the districts are not going to give them everything that they have. Chief Brown was adamant that there is a plan and that plan includes us. Mr. Humble took issue with that in a polite way and said that we are receptive to the idea that has been thrown around but there has been no formal acceptance of any plan by WCFD. Chief Brown was very forceful in saying that there is a plan and said if we are not on board, we're out.

Mr. Humble states that what we could do tonight is to decide if and how we are going to adopt any plan that someone else might have for us. The plan, in his mind, is that line that was drawn just east of our border. Mr. Mays thinks that it would be good if all of the players could meet and talk. Mr. Humble says that both Fred Tobin and the others don't feel that the \$5.6million CCFD budget is accurate and they may have more money and they could make it balance. All attendees of the meeting agree that they would like CCFD to survive. Mr. Mays says that for the record, that is this Boards view. Mr. Humble suggested at the meeting, if all agree that we want the district to survive, why don't those that want liquidation sit with those that don't want it, and talk to one another. He got resistance to that suggestion.

Mr. Humble feels that Hopkins Hill and Anthony Districts are chomping at the bit at presenting a plan when the time comes and be ready to present that plan. The question is, are we on board and what plan are we on board with. Mr. Humble suggested that WCFD Board still had to do some due diligence and the Board has to agree with some plan and then there is possibly the need to present it to the taxpayers. We have looked at that plan and tax revenue on that first proposal of the line that was drawn just east of Weaver Hill, but nothing has been formally adopted. Mr. Mays says that there was discussion with this Board that was in response to legislation that was being proposed to redraw some district boundaries. He asked if there was any indication that CCFD is familiar with that proposal during the hearing. Mr. Humble says that there was not discussion of that during the hearing. Attorney Harsch found it interesting that the only member of any district board who attended the Town Hall meeting was Mr. Humble.

Mr. Bousquet asks if we have the manpower to handle the proposal. Mr. Humble says that there is a level of comfort in a positive way to the initial idea that was presented. Chief Brown is very adamant to holding on to the real estate that he feels he should hold onto. He was asked, after

one meeting if he would consider our district taking the proposed line a little bit further east, and he said no. Mr. Humble says that he guesses that Chief Brown is in a position to decide.

Mr. Hevey asks if the members had a chance to read the Cumberland merger report that he sent out. He asks if notice was made of the due diligence that they did with response times and geographic locations of stations. He said they did a very comprehensive effort to decide how they should merge and what the process should be versus someone just banging on the table and saying this is what I want. Mr. Hevey says we may want to go through some of that due diligence before you just start drawing lines in the sand. Mr. Humble references the groups who did the Cumberland reports and the amount they charged. He says once there was a town-wide vote, that was it. Then it went to the legislature for a new Charter. Mr. Farnum asked if a tally was run to see if all districts voted for the merger. In Cumberland, what was formed did not report to the Town, it was one single fire district. Mr. Hevey says that is what he was trying to bring the point across. It doesn't necessarily have to go in front of WC voters. Mr. Hevey says that a lot of 'blogs' are touting 'one Town, one district' in Coventry. Mr. Humble says that our taxpayers definitely would be outnumbered. Mr. Humble says that the Judge said that CCFD's burn rate was \$124,000 per week and they have \$400,000 in the bank, \$300,000 is available. They only have a few weeks. The \$600,000 from the tax collection will allow them to last a few more weeks. Mr. Hevey says that they have also set a budget and can begin collecting new taxes.

Mr. Humble says his question now is, are we interested in this change of the boundary and how do we go about legitimizing ourselves to agree to it. Is this something that would have to go before our taxpayers? Attorney Harsch says it will probably have to go to the General Assembly as well to change the metes and bounds in the Charter. Mr. Hevey says in order for us to partake in this, he would expect a single agreement between all three groups versus hearing about a verbal plan and documents that have no formal endorsement from anyone. Mr. Farnum says there needs to be a plan that can be taken to the voters. Mr. Bousquet asks if we're out, what does that mean for us. What would be the ramifications to us? Mr. Humble says the first proposal would generate some revenue that would enhance our manpower. That was a plus. Mr. Mays says that would also cause no impact to the tax rate. He also says that the Chief said in his view the service area wouldn't be increased that significantly where it would detract from our ability to make reasonable response times. Mr. Humble heard that if our small piece from the original proposal were to remain in Hopkins Hill district, it won't be a large inconvenience to them. They don't need us to take it. Mr. Hevey wonders how much mutual aid we will be responding to those areas.

Chief Quattrini thinks that the plan that was proposed six months ago was from an order from the Judge at the eleventh hour that the three chiefs had to come up with. At the time the meeting was called on a Thursday afternoon at the Town Hall to get something for the best interest of the district. We are going to respond anyway, so the best interest was to pick up another \$125,000 of revenue. Basically what would happen should CCFD liquidate, firefighters would work but would either work for Hopkins Hill or Anthony. To keep those firefighters working, that tax of that district would have to be divided into two so those taxpayers would either go to Hopkins Hill or Anthony. A small portion, if we decided to move our line down to offset our cost. At that point the Town would act like one single fire department. If there was a third rescue call, they

would call rescue 8 to go down into Anthony's district. They wouldn't be relying on West Warwick or Warwick. They would be using the in town companies before another town for mutual aid. With that mindset, something had to be put together. Mr. Hevey asks if at that time, did the other Chief's say which stations that they would actually attempt to keep open. The Chief says no.

Mr. Holt asks what the Chief meant by it being a one town system. The Chief says if there is a run today on Tiogue Avenue and CCFD has been called for an out of town rescue, Rescue 8 or Rescue 6 may be available for mutual aide out of town. That mindset will change because we would want to keep in town companies, in town. He says that we don't utilize Anthony's district as we should, we use Connecticut, etc. If I'm waiting and have four guys on duty down the street, I should call the guys on duty to come up here with a quicker response, it's using your people better. Mr. Mays says that Anthony is 20 minutes away, and you have a fire in Greene, versus calling Hianloland or Foster Center. The Chief says he is talking about 'on-duty'. We're not really using our resources to the best of our ability. Mr. Holt thinks what he is saying implies that we will be doing more mutual aid into time than what we are doing now. The Chief says it could be a possibility. Mr. Hevey thinks that would be a potentially longer response time. The Chief says if you have a truck right over the town line that is ready to respond, that truck will be called. Mr. Humble asks why that isn't happening now. Chief Quattrini says that CCFD does the majority of the runs. If you take those out, you are going to lose x amount of stations. Mr. Humble says let's assume they are a viable operation, why would you not adopt that process already where you only call from within. Mr. Humble asks if we have automatic aid from other districts. He says the way it was defined in the courthouse, was that mutual aid was when you went outside of your town. Anything you got from within your town was considered automatic aid. The Chief says not necessarily. The Chief says if there is a two alarm fire, and he needs to call Sterling, that would be mutual aid. Anthony is not on our run card as automatic, which he thinks it should be.

Mr. Humble gets the sense that there is an eagerness to let the Judge know that there is a plan. He asks how prepared we are going to be when that time comes to say yes we are onboard with the plan. Mr. Farnum says it would have to be a contingent acceptance because the taxpayers would have to vote, etc. Right now we don't have a Judge asking for a plan, there isn't a written plan. Mr. Hevey says at the same time the three districts would have to do the same thing as well as the charter of CCFD would have to be revoked.

Mr. Humble says that we as a group would be disappointed if someone is out there suggesting that there is a plan that we have signed onto when in actuality we have not. Mr. Bousquet asks if it has anything to do with the other lawyer who said they represented our district. Mr. Humble doesn't think so. Mr. Holt says this idea was presented months ago and it sounded at the time that we were going to get a little more real estate, have a little more revenue. He is learning tonight that there is another piece of the plan that says we are going to be doing more mutual aid into the other part of town. That is a big change. Before Mr. Holt signs onto something, he needs something in writing as to what the agreement really is and what it consists of. Chief Quattrini agrees. He says the likelihood is that if we choose to do nothing, we may still be doing a small increase in runs regardless. Mr. Holt wants it laid out so we know what it is. Mr. Hevey

says there are two pieces of the plan. One is the boundaries, which is legislative and voter controlled and the other piece is the Chiefs and how they decide on their run cards, which the Chief could do today which is policy process. Mr. Hevey doesn't think this board is in the position to tell the Chief how to fight fires. Mr. Mays says that if we have a relationship with Anthony, we would be making runs to Harris. Mr. Hevey says that can happen regardless of whatever happens with the boundary. Mr. Mays is not comfortable having someone else telling us what we can and must do without having discussion of it. He says our taxpayers think that we are here to sport their needs not at the West Warwick line. The Chief says it's his job to make sure the district is covered. He's not going to leave the district stranded.

Mr. Farnum asks who it is that wants a response from us. Mr. Humble says that we have been told that there is a plan. The impression is that if the Judge asked, do you have a plan, someone was going to stand up and say yes, and it includes WCFD. Mr. Hevey asks if it is time for this board to request a meeting with the other two boards. He says that this would be a plan that all the boards would bring to their taxpayers. It would show that the board understood the plan.

Mr. Hevey makes a motion that we send a letter requesting a meeting of the three boards to formally adopt a plan. Motion seconded by Mr. Holt. Mr. Mays says as a non-voting member he would suggest including the CCFD board. Mr. Bousquet isn't sure it is a good idea to include them. Mr. Holt says that their board has already voted to liquidate their district. Attorney Harsch says that it seems to be something that grew out of what Pat Morgan started, and it is that they want to bust the union. The proposal that they made to the Judge was that the board votes to liquidate but they then treat themselves as an ongoing entity and hire out rescue services and bring in volunteers working on run pay. He doesn't think that there is a chance that will happen. They have in mind in fact, when you liquidate the district it doesn't mean they go which is absurd. Mr. Bousquet thinks they still think that way and sitting around talking about what will happen when they're gone will be interference. Attorney Harsch has a feeling that this will bump along in a standoff with the union. In some way or another the cash will keep coming in. If the liquidation doesn't go through, the second option is a town wide district instead of three districts. Mr. Farnum asks what action Attorney Harsch thinks we should take. From Attorney Harsch's experience with this operation, our district is different from the others and how they operate. This operation does have an active board; the other three are traditionally run by their chiefs. They are going to view their function differently and their chiefs are not going to be happy that the boards are all meeting together. Deputy Guastini asks if the board meets with the other boards and they say they are going to stand back and deal with their chief, will this board be willing to work with the other chiefs. Mr. Hevey suggests the boards can invite their chief to be there. At least we will have an idea of what we are working with. Mr. Holt says to invite the boards and/or their designated person.

Mr. Humble asks what the forum will be if the Judge decides for a town wide department. Attorney Harsch says that you already have Rep. Guthrie going in that direction. He thinks a town wide referendum would be used. Mr. Mays says if it is a town wide referendum, the WC taxpayer will get screwed, individual districts would be another thing. Mr. Farnum says we may be better off pushing for three different districts and should support the plan. Mr. Hevey says we can either be proactive and try to move this in a direction that would not be negative to our

taxpayers, or we can sit back and let it overtake us. Mr. Farnum says we better be proactive. Mr. Hevey would like to move the question. All voted aye. Motion carried. Mr. Humble will write the letter.

Mr. Humble asks if we are forced into a town wide situation, do the assets get protected in any way. Attorney Harsch says to the extend they are pledged to secure some financial obligation. That obligation would be attached to the asset but only if you went into some receivership structure. The district relinquishes ownership and the surplus would go over to the new entity. Mr. Bousquet asks why the money wouldn't go back to the taxpayer. Attorney Harsch says there has been ruling after ruling that individual taxpayers don't have a standing to bring an action. Mr. Hevey says the only action would be class action by all the taxpayers. Attorney Harsch says unless you dissipate them somehow, those assets would go into a consolidated district and you could be responsible as a board if there was substantial erosion of the assets within a year of the consolidation.

Attorney Harsch would be interested to see what the responses to the letter will be. You may find that the other districts do have a plan and already decided where it is. Mr. Holt says we need to understand our involvement to the plan. Maybe the meeting is not to develop a plan but to understand what it is so we can present it to our taxpayers.

Mr. Hevey says to add an agenda item for our next board meeting to establish an exploratory committee to explore other options.

4. *Open Forum*

5. *Schedule next BOD meeting* – the next meeting is scheduled for November 21, 2013.

6. *Adjournment* – a motion is made by Mr. Farnum and seconded by Mr. Hevey to adjourn the meeting at 9:49 p.m. All voted aye. Motion carried.